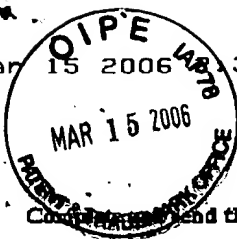


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SUPPLEMENTAL  
PART B - FEE(S) TRANSMITTAL

Send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
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**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 3 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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7590 12/15/2005

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Michael Moreno (Depositor's name)  
(Signature)  
March 15, 2006 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,670	01/04/2001	Stuart F. Oberman	5989-00200	5292

TITLE OF INVENTION: DYNAMIC SELECTION OF LOWEST LATENCY PATH IN A NETWORK SWITCH

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES		\$700	\$700	03/15/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
NGUYEN, STEVEN H D	2663	370-412000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303).  
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.  
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2. For printing on the patent front page, list:  
(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,  
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PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

Nihan Systems, Inc.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Broomfield, Colorado USA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

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☒ Publication Fee (No small entity discount permitted)  
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- ☐ A check in the amount of the fee(s) is enclosed.  
☐ Payment by credit card. Form PTO-3038 is attached.  
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5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.

- ☒ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

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Authorized Signature

Thomas J. Osborne, Jr.

Date March 15, 2006

Typed or printed name Thomas J. Osborne, Jr.

Registration No. 38,788

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is in this (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 42 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Registration Number, if applicable

Telephone Number

U.S. Patent Application Serial No. 09/755,670

Title: Dynamic Selection of Lowest Latency Path in a Network Switch

Filing Date: 04 January 2001

Attorney Docket No. 233-609-USP

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

PTO Fax Number: 671-273-2885

FROM: Thomas J. Osborne, Jr./Reg. No. 39,796

Transmitted herewith are:

Fax Transmittal Cover Sheet (1 page);

Supplemental Issue Fee Transmittal in duplicate (2 pages);

Supplemental Issue Fee Payment Cover Sheet (2 pages)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial Number..... 09/755,670  
 Filing Date..... January 4, 2001  
 Inventors..... Stuart Oberman et al.  
 Applicant..... McDATA Corporation  
 Examiner..... Nguyen, Steven  
 Attorney's Docket No. .... MCD172/233-609-USP  
 Title: Dynamic Selection of Lowest Latency Path in a Network Switch

To: MAIL STOP ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

From: Thomas J. Osborne, Jr. (Tel: 720-377-0759; Fax: 720-377-0777)  
 Customer No. 48929

**SUPPLEMENTAL ISSUE FEE PAYMENT**

Attached is a supplemental payment of the issue fee for the above-referenced application. The application was originally filed properly as a small entity. However, the Applicant was subsequently acquired by a large entity. Thus, the issue fee paid on March 10, 2006 should have been paid as a large entity, but was improperly paid as a small entity.

The publication fee of \$300 was properly paid in the previous Issue Fee Transmittal. The attached Supplemental Issue Fee Transmittal PTOL-85 Part B authorizes the USPTO to charge the difference of \$700 to properly pay the full Large Entity issue fee of \$1400. The attached form also provides a notification that the Applicant is no longer entitled to claim Small Entity Status as required under 37 CFR 1.27(g)(2).

Also included is an authorization for the Director to charge the required fee(s), including any underpayment or credit any overpayment to Deposit Account Number 50-3199 in order to assure proper issuance of the application.

MCD172/233-609-USP


1-2

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If there are any questions, please contact the undersigned attorney.

Dated: March 15, 2006.

Respectfully submitted,



Thomas J. Osborne, Jr., Registration No. 39,796  
Attorney for Applicant  
USPTO Customer No. 48929

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